
F/YR23/0921/F

Applicant: Mr David Johnson
Elmsport Ltd

Agent : Mr Chris Walford
Peter Humphrey Associates Ltd

Land West Of The Sportsman, Main Road, Elm, Cambridgeshire

Change of use of land for use as public house car park involving the formation of hardstanding, new lighting, the siting of a storage container and the erection of a 2.0m acoustic fence (part retrospective)

Officer recommendation: Grant

Reason for Committee: Number of representations contrary to Officer recommendation

1. EXECUTIVE SUMMARY

- 1.1. The original planning application (F/YR20/0940/F) was considered by the Planning Committee and officer recommendation for refusal was overturned to permit the *Change of use of land for use as public house car park involving the formation of hardstanding, new lighting, the siting of a storage container and the erection of a 2.4m acoustic fence (part retrospective)*.
- 1.2. The current application seeks variation to this permission including the acoustic fence detail for the perimeter of the approved public house car park. The proposed fence will be 2.0m high instead of 2.4m. A noise report has been submitted with this application to justify the height reduction.
- 1.3. The site has an implemented permission for the change of use of land to car park and a 2.4m fence F/YR20/0940/F as works have been started on site and are almost complete (apart from fencing). All other proposals/matters remain as approved under the previous application.
- 1.4. Careful consideration has been given to balancing the benefits and disbenefits of this proposal against the original permission. Policy LP6 of the Fenland Local Plan 2014 provides support for proposals which enhance and retain an existing village facility such as public houses and encourages businesses to expand. Moreover, the principal of the proposal was already established under the original permission. The fundamental issue to be assessed under the current application is the impact of the reduced height on the amenity of the local residents.
- 1.5. All other proposals/matters remain as approved under the previous application and would not result in unacceptable harm to:
 - The heritage assets next to the site and the Conservation Area.
 - The remaining trees within the site.
 - Highways safety.
- 1.6 The original permission with 2.4m high acoustic fences has been amended to

be 2m high and its justification has been submitted in the noise report, which was deemed acceptable by the Environmental Health Officer.

1.7 The recommendation is therefore for approval.

1. SITE DESCRIPTION

- 1.1. The Sportsman Public House is a Grade II Listed Building located at the centre of the Elm village and at the edge of Elm Conservation Area. It is located to the west of Main Road sitting close to the junction with Atkinson's Lane and faces onto the Grade II listed War Memorial. The Sportsman is attached to Elm Manor (also Grade II listed) with a brick wall extending east along the boundary between the properties. A large outdoor seating area to serve the pub is located to the north of the wall and the garden to Elm Manor on the other side. Some parking to serve the pub is located adjacent to the seating area.
- 1.2. The application site is enclosed by the rear gardens of Elm Manor and Glenholm (fronting onto Main Road); Nos 2 and 4 Grove Gardens; and Nos 2, 4 and 6 Laurel Drive.
- 1.3. The site is within Flood Zone 1.

2. PROPOSAL

- 2.1. The current application seeks variation to the original planning application (F/YR20/0940/F for Change of use of land for use as public house car park involving the formation of hardstanding, new lighting, the siting of a storage container and the erection of a 2.4m acoustic fence.
- 2.2. The proposed fence will be 2.0m high instead of 2.4m.
- 2.3. Full plans and associated documents for this application can be found at:

[F/YR23/0921/F | Change of use of land for use as public house car park involving the formation of hardstanding, new lighting, the siting of a storage container and the erection of a 2.0m acoustic fence \(part retrospective\) | Land West Of The Sportsman Main Road Elm Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/planning-and-building-control/planning-applications/F/YR23/0921/F)

3. SITE PLANNING HISTORY

F/YR23/0554/TRCA - Works to 1 x Tulip tree and 1 x Norwegian Maple tree within a conservation area. Granted (07.08.2023)

F/YR22/3015/COND- Details reserved by Condition 02 (Tree Planting) of planning permission F/YR20/0940/F (Change of use of land for use as public house car park involving the formation of hardstanding, new lighting, the siting of a storage container and the erection of a 2.4m acoustic fence). Approved (25.03.22)

F/YR20/0940/F - Change of use of land for use as public house car park involving the formation of hardstanding, new lighting, the siting of a storage container and the erection of a 2.4m acoustic fence (part retrospective). Granted (11.08.2021)

4. CONSULTATIONS

- 4.1. **Elm Parish Council** - supports proposals submitted under application reference F/YR23/0921/F on condition that;
- (i) the height reduction of the acoustic fence does not compromise the soundproofing effect of the structure and,
 - (ii) neighbouring residents are supplied with details of the distance between the acoustic fence and their boundary features (i.e. fencing/hedge).
- 4.2. **Councillor Dal Roy** – *I wish to declare an interest in this application as the fence borders the rear of my property. If you check the original application, you will note that the residents that live next to the proposed fence mentioned, worked closely with the applicant to arrive at an acceptable compromise to move this forward. Trees were removed, the growth was removed and a hard standing surface laid. I agree that a solution needs to be found to remove the cars that park next to the pub because of lack of parking. We agree also that the solution would be to open up the rear and use it as parking. In the interest of common sense, we mentioned low level lighting, and a high fence to stop vehicle lights causing light pollution in neighboring gardens and bedrooms. In addition, the acoustic fence, at the original level, to reduce the noise from vehicles. This would be to reduce light and noise pollution. There is also the mention of additional events being held so to secure some level of privacy for the neighboring gardens would not be an unacceptable request. We actively support the improvements as we are regular clients, however there needs to be a positive way forward.*
- 4.3. **Designing Out Crime** - *I have viewed the documents in relation to crime, disorder, and the fear of crime and searched the Constabulary crime and incident systems covering Elm Ward for the last 2 years a two-year period. I would consider this to be an area of low risk to the vulnerability to crime at present. Whilst we would usually request Column lighting within a car park, as this will be enclosed and gated along with the proposed bollard lighting being elevated within the barrel planters, I am happy to support this proposal.*
- 4.4. **Environmental Health**- *Having observed the details within the Acoustic Associates (Peterborough) noise investigation report, this service is satisfied with the methodology undertaken and accepts the findings in accordance with the relevant recognised acoustic standards. Therefore, this service has no objections to the acoustic barrier being 2.0m rather than that of 2.4m originally*

proposed under F/YR20/0940/F as compliance with the relevant acoustic standards are shown to still be achieved.

4.5. Archaeology - *Our records indicate that this site lies in an area of archaeological potential, situated 100m south-west of the Grade I listed medieval Church of All Saints (National Heritage List for England reference 1331971), and adjacent to two other Grade II listed structures, including the host property the Sportsman Public House (NHLE ref 1125940). The site is bounded to the south-west by an area previously subject to archaeological evaluation in advance of development which identified medieval and post-medieval remains (Cambridgeshire Historic Environment Record reference CB14804). However as with previous application F/YR20/0940/F the submitted Design & Access Statement asserts that 'there are no ground works or excavations taking place on site, the new surface will be laid over the existing ground level'. We would therefore have no objections or requirements for the scheme. If the proposed scheme evolved away from the 'no-dig' strategy, we would request to be re-consulted to re-assess the archaeological implications of the development.*

4.6. Local Residents/Interested Parties

11 Objections have been received from 6 addresses. The comments have been summarised as below:

- The applicant is trying to include the previously refused application.
- The noise investigation report is based solely on predicted car park noise emissions. It does not consider noise which would be generated by communities activities, which would be different and louder.
- It does not specify whether the fencing would be reflective or absorptive.
- If community activities were to be approved, the rationale would be for a higher and denser acoustic fence to preserve the amenity of neighbours, not a lower fence.
- Loss of privacy in private gardens.
- Devaluation of property value
- noise pollution
- light pollution

1 letter of Support has been received. The comments have been summarised as below:

- Good addition to Sportsman and the owners are trying to think of their community by providing additional parking

5. STATUTORY DUTY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

6. POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Para. 2 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para. 10 - So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development

Para. 12 - The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.

Para. 47 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para. 135 - Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

Context

Identity

Built Form

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP6 – Employment, Tourism, Community Facilities and Retail

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP18 – The Historic Environment

Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and

any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP17: Culture, Leisure, Tourism and Community Facilities
LP22: Parking Provision
LP23: Historic Environment
P33: Development on Land Affected by Contamination
LP34: Air Quality

7. KEY ISSUES

- **Principle of Development**
- **Impact on neighbouring amenity**

8. BACKGROUND

- 8.1. The site has an extant permission for the change of use of land to car park and a 2.4m fence and sundry other items under PA ref: F/YR20/0940/F, works have been started on site, apart from the fencing, so in the ordinary course of events the permission has been implemented. All other proposals/matters remain as approved under the previous application.
- 8.2. A section 73 application 'variation of condition' application to amend the approved fence detail could not be submitted as the height of the fence is specifically mentioned within the application "description", which cannot be amended, hence a full re-submission of the original application was submitted.
- 8.3. The applicant is exploring to use the car park for the community events in the future and that would be based on the lawful use of land associated with the pub. However, the use of car park for other community events is not the part of the current application and cannot be used as criteria for assessment.

9. ASSESSMENT

Principle of Development

- 9.1. Policy LP6 of the Fenland Local Plan 2014 provides support for proposals which enhance and retain an existing village facility such as public houses and encourages businesses to expand. Planning permission was previously granted for the car park in association with the public house and as such the principle of this is established.

Impact on neighbouring amenity

- 9.2. Policy LP2 and Policy LP16 (e) seek to ensure that development is of high quality and does not adversely impact the amenity of neighbouring or future users.
- 9.3. The applicant expects opening hours to be:
 - Monday to Thursday 12pm – 10pm;
 - Friday to Saturday 12pm – 12am;

- Sunday 12pm – 7pm.

- 9.4. The car park is proposed to open half an hour before service and to close half an hour following the end of service. The car park gates are to be locked at all other times.
- 9.5. The occupiers of the neighbouring properties that back onto the application site have concerns regarding the adverse impact on their amenity. The rear gardens of 7 properties share a boundary with the application site. The rear elevations of 7 properties are between 6m and 19m from the proposed car park.
- 9.6. The acoustic fencing of 2.4m height was permitted under the original permission to limit the impact on these neighbouring properties. However, the current application seeks variation to the approved acoustic fence detail for the perimeter of the car park. A specialist noise report has been commissioned to recommend an alternative lower fencing; it has been advised by the applicant that the alternate fencing would be more cost-effective proposal that is more viable for the business. A specialist noise report has been submitted with this application to justify the height reduction.
- 9.7. The Environmental Health Officer (EHO) was consulted on the current application and no objection was raised. The EHO has confirmed that *“Having observed the details within the Acoustic Associates (Peterborough) noise investigation report, this service is satisfied with the methodology undertaken and accepts the findings in accordance with the relevant recognised acoustic standards. Therefore, this service has no objections to the acoustic barrier being 2.0m rather than that of 2.4m originally proposed under F/YR20/0940/F as compliance with the relevant acoustic standards are shown to still be achieved”*.
- 9.8. It is therefore considered that the development would not adversely affect the amenity of neighbouring occupiers that the approved scheme that was originally approved. The proposal would comply with the Policy LP2 and Policy LP16 Fenland Local Plan 2014.

Other Matters

- 9.9. It is not considered that there are any other matters to reconcile given the context of the implemented planning permission for the car park.

10. CONCLUSIONS

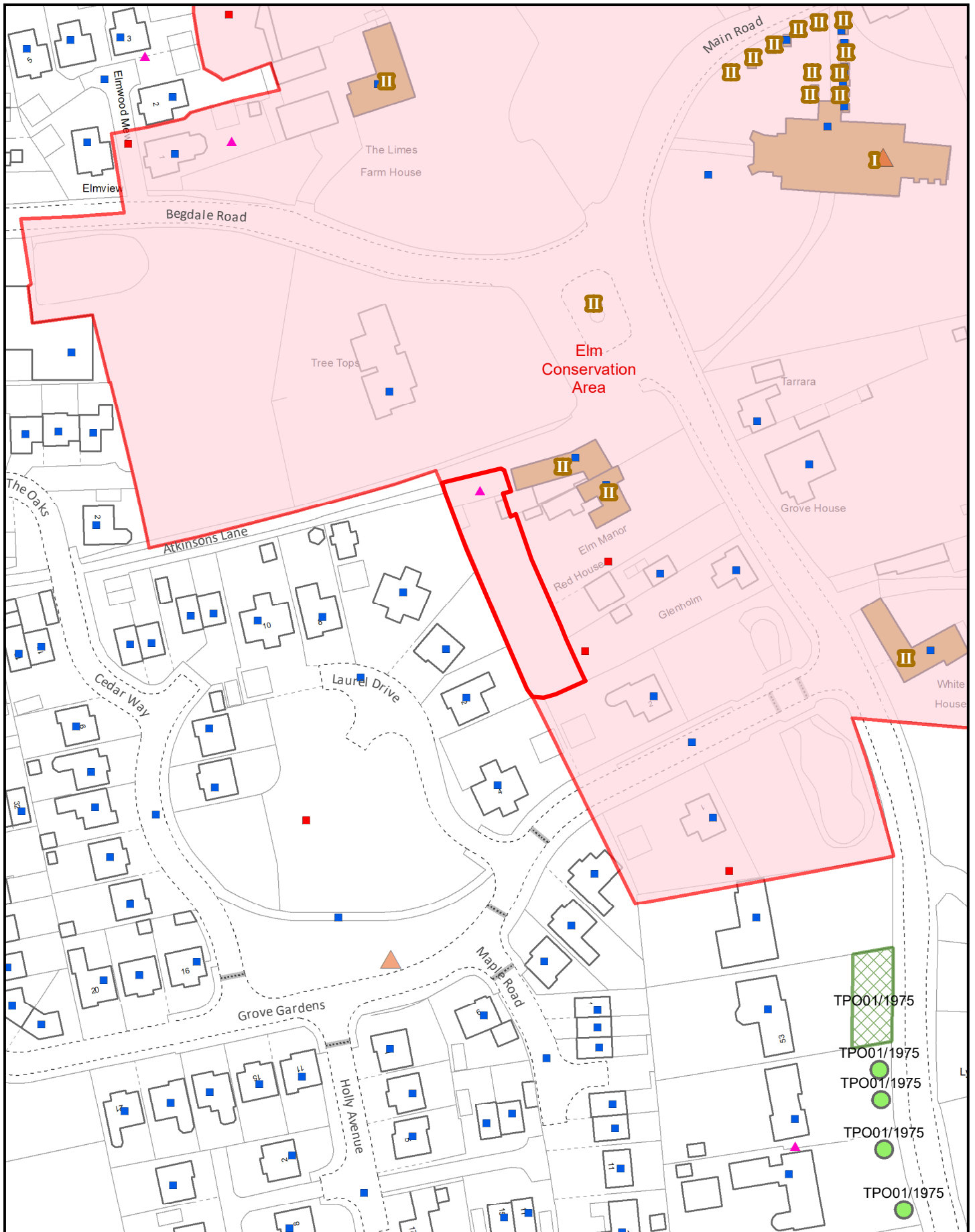
- 10.1. The application site has extant permission for the change the use of land to the rear of the pub to increase the amount of onsite parking available for customers who visit the pub.
- 10.2. It is acknowledged that the activity generated within the car park and the noise and disturbance arising from this would have some impact on the residents of the neighbouring properties and their amenity. However, the report submitted with the application, justifies that owing to the quality of the fencing, the amended height would not have the detrimental impact on the amenity of the neighbouring properties. The Environmental health officer has approved the details of the noise assessment report and have not raised any objection.

- 10.3. It is considered that the proposal would comply with the Policies LP2 and LP16(e) of the Fenland Local Plan. The development is recommended for approval subject to the conditions listed below.

11. RECOMMENDATION

Grant; subject to the following conditions:

1	<p>The acoustic fence detailed on plan references 5718/04/01N and 5718/04/02G shall be installed on the site in accordance with the approved details prior to the car park hereby approved being brought into use. The fence shall be retained and maintained as such in perpetuity.</p> <p>Reason - To ensure that the use of the hereby approved car park does not become a source of unacceptable noise and disturbance to the residents of the neighbouring dwellings, in accordance with policy LP16 of the Fenland Local Plan (2014).</p>
2	<p>The details shown on drawing number 5718/04/CON B (Conditions Drawing) as approved under reference to the F/YR22/3015/COND shall be implemented on site. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
3	<p>The storage container hereby permitted shall be removed from the site on or before 11 August 2026 unless a further planning application for renewal or continued use is submitted prior to that date.</p> <p>Reason - The proposal is not one the Council is prepared to permit other than for a limited period in view of nature of the structure.</p>
4	<p>The parking area hereby approved as shown on drawing number 5718/04/01N shall be used solely to provide parking in conjunction with the Sportsman Public House and shall not be used for any other activities/purpose.</p> <p>Reason - In order to define the scope of the consent and to ensure compliance with Policies LP2 and LP16 of the Fenland Local Plan (2014) in so far as they seek to safeguard residential amenity.</p>
5	<p>Prior to the car park being brought into first use it shall be surfaced as per the approved details shown on drawing 5718/04/01N and maintained in perpetuity as such thereafter.</p> <p>Reason - To define the scope of the consent and to ensure that the appearance of the development hereby approved is satisfactory.</p>
6	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p>



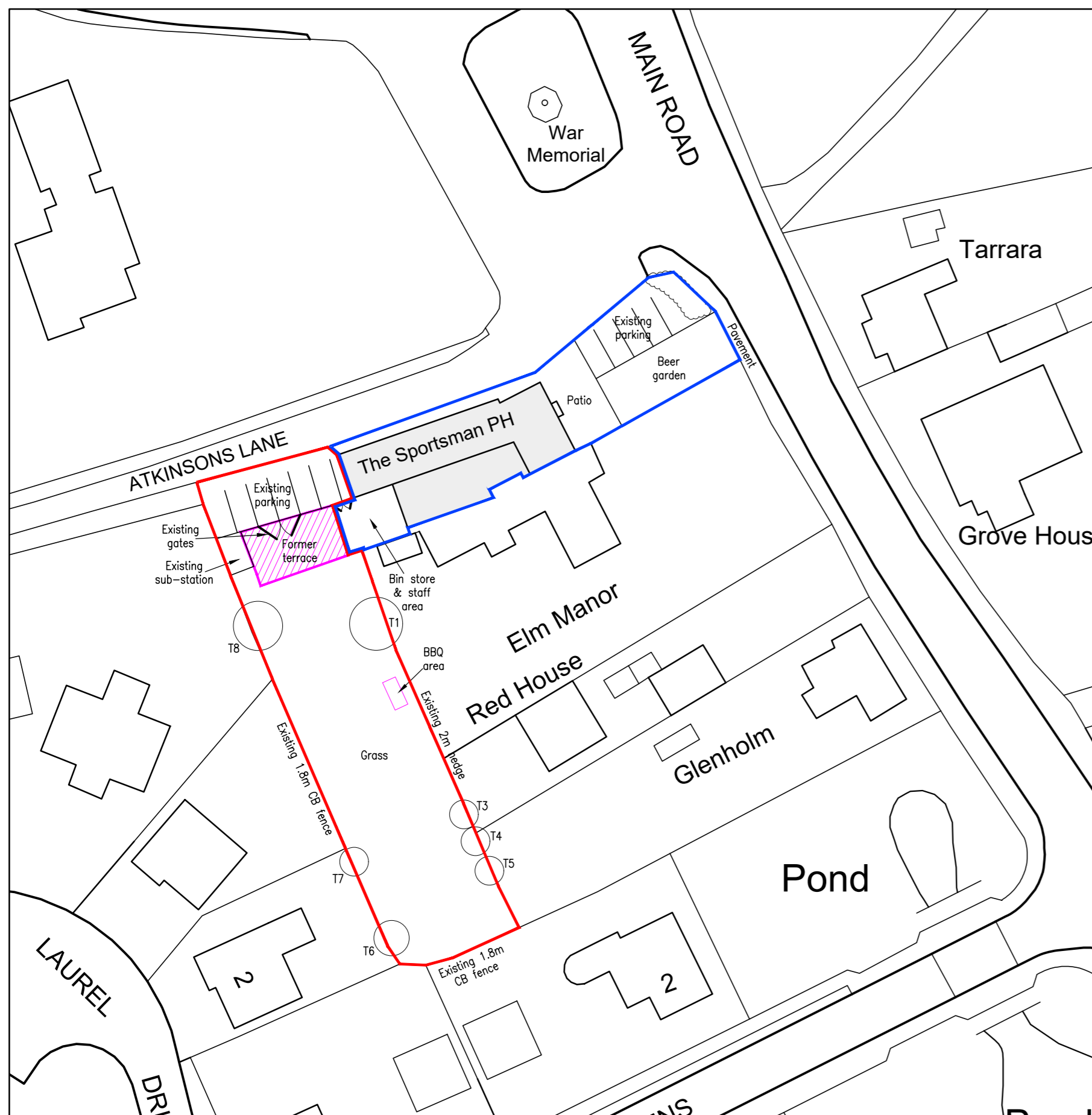
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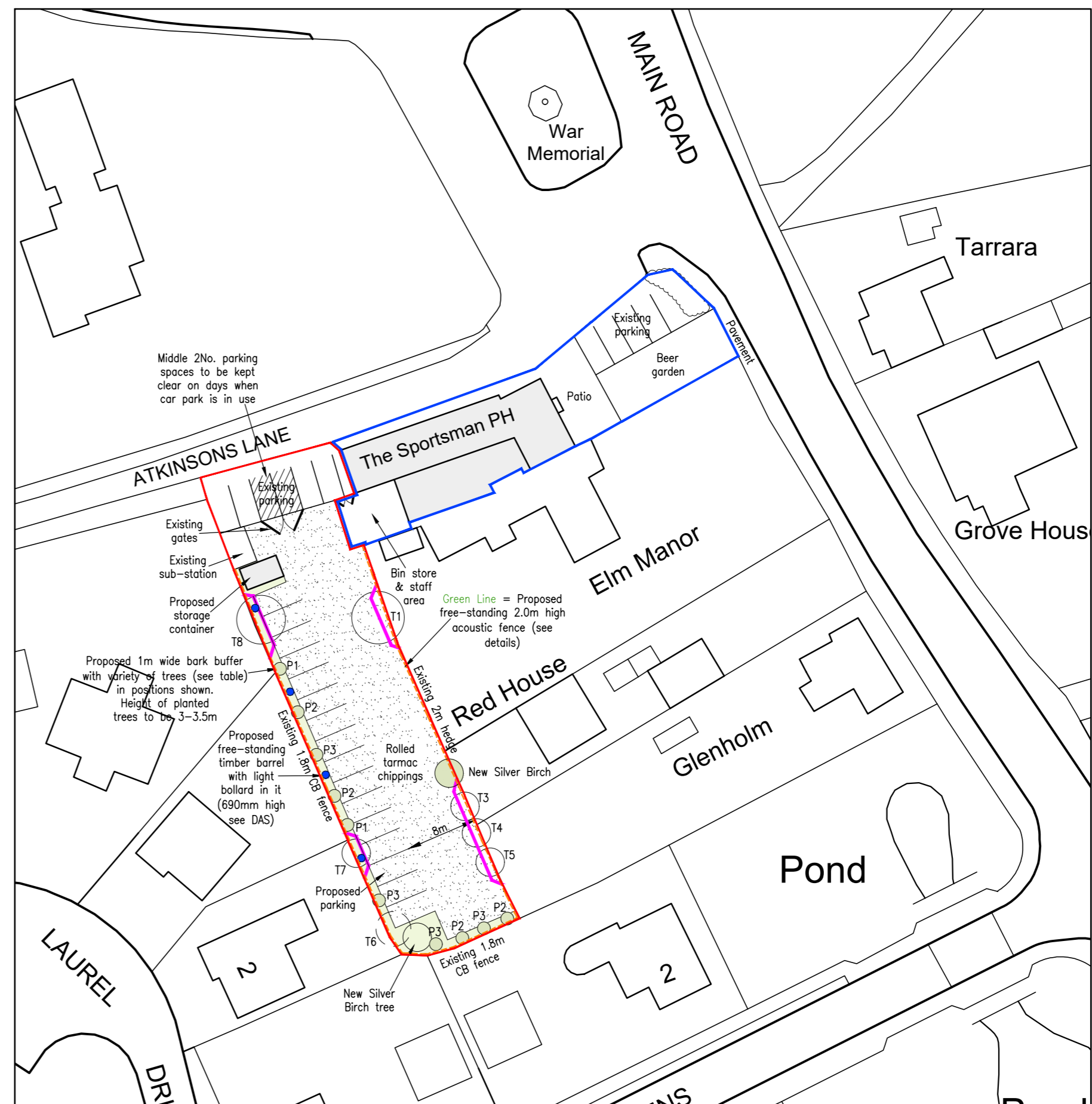
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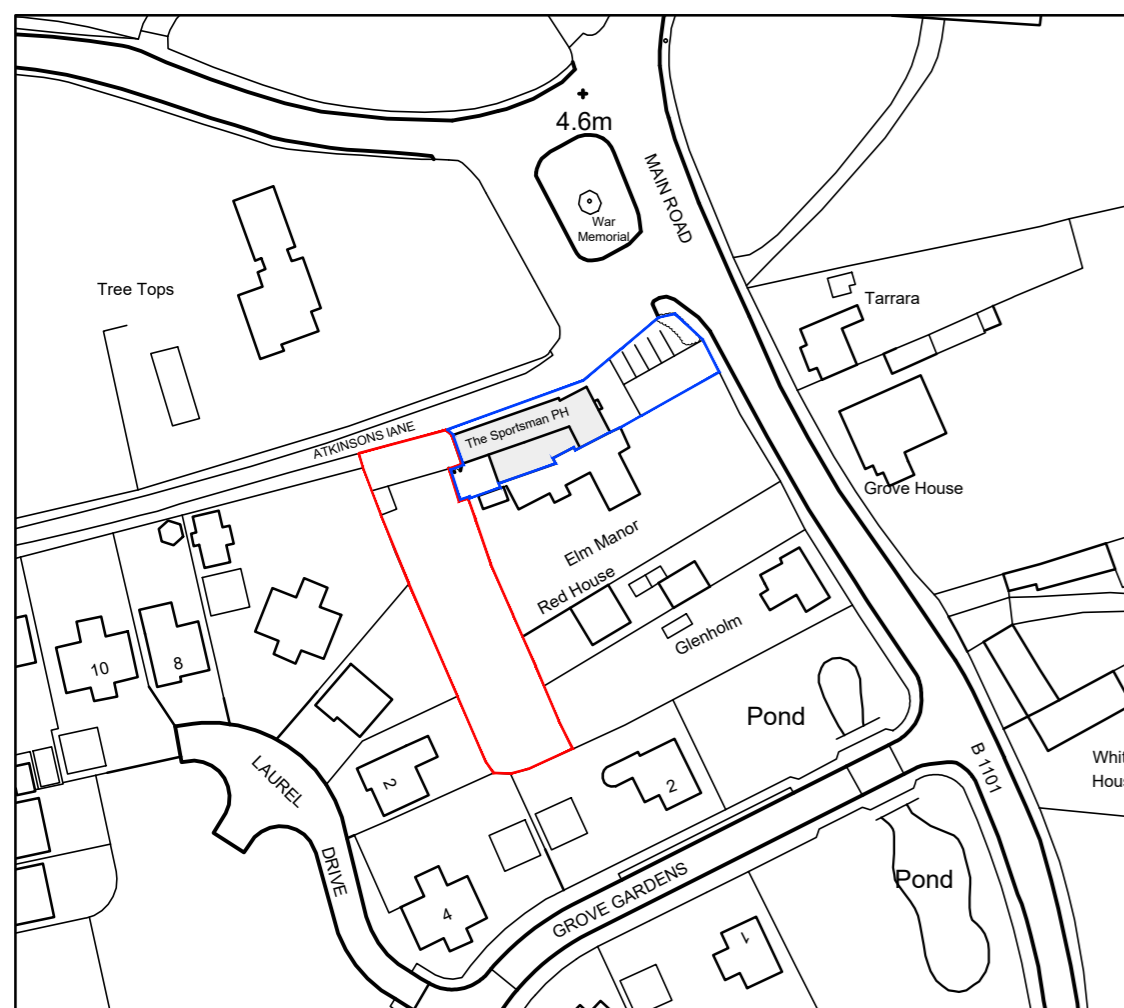




Existing Site Plan 1:500



Proposed Site Plan 1:500



Location Plan 1:1250

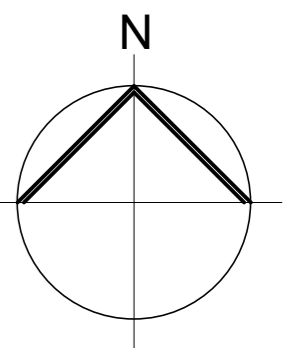
Existing Trees:-	Action:-
T1 = Silver Birch	Retain
T3 = Tulip	Retain
T4 = Silver Birch	Retain
T5 = Norway Maple	Retain
T6 = Silver Birch	Recently came down in storm
T7 = Sweet Gum	Retain
T8 = Alder	Retain

— = Tree Protection Area (See Tree section in DAS for more detail)
- - - = Proposed free-standing 2.0m high acoustic fence (see details)

Proposed Tree Planting
P1 = Betula Pubescens / Downy Birch
P2 = Amelanchier Lamarckii / Snowy Mespilus
P3 = Sorbus Aucuparia / Rowan

Height of planted trees to be 3-3.5m.

Planting timetable & maintenance = Trees to be planted in the first planting and seeding season following the completion of the development. Any trees which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.



REVISIONS		
JOB NO.	PAPER SIZE	DATE
5718/04/01N	A2	SEPT 2023

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The Construction (Design and Management) Regulations 2015:
Peter Humphrey Associates' form of appointment with the client confirms whether the agent is appointed as 'Designer' or 'Principal Designer' under these regulations. Nevertheless, the design phase has been carried out with due consideration for the safety during construction, occupation and maintenance of the finished project. No extraordinary hazards or risks were identified outside of the routine construction operations that would not already be apparent to a competent contractor.

CLIENT
Mr D Johnson - THE SPORTSMAN PH

PROJECT
PROPOSED LAND CHANGE OF USE & CONTAINER

SITE
THE SPORTSMAN PH
MAIN ROAD
ELM
WISBECH

DRAWING
PLANNING DRAWING 1

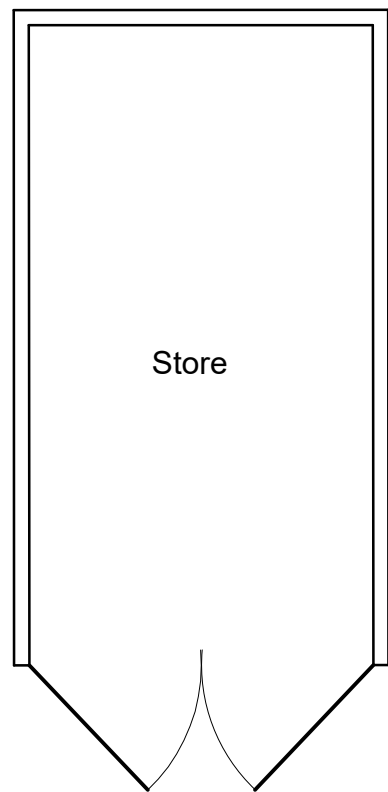
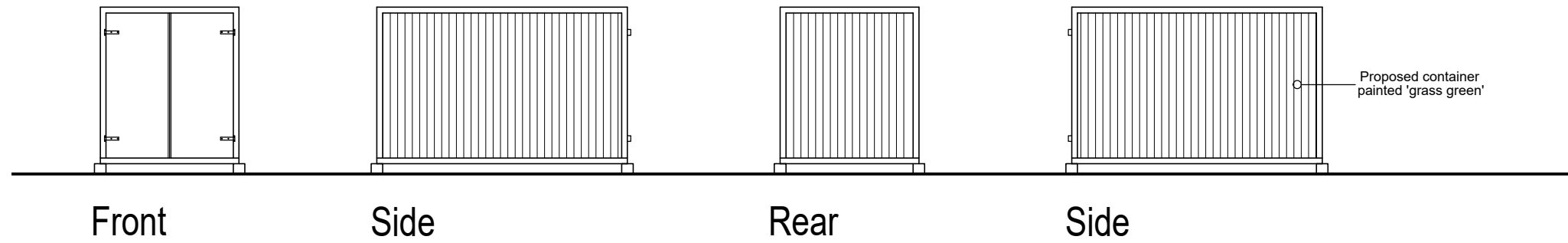


PETER HUMPHREY ASSOCIATES

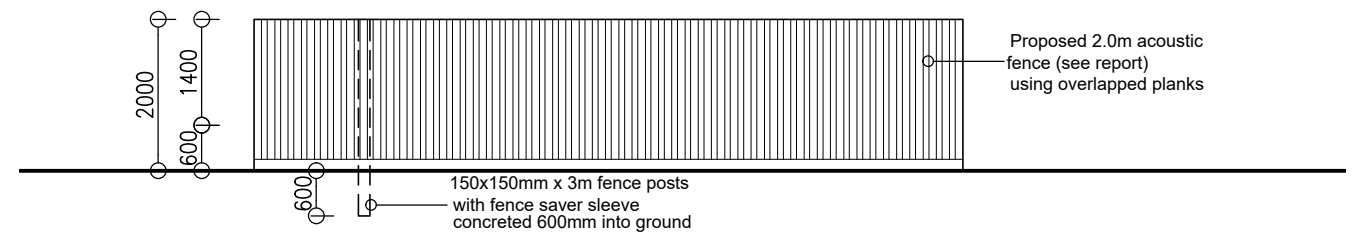
ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.

TELEPHONE: 01945 466966
E-MAIL: info@peterhumphrey.co.uk
WEB: www.peterhumphrey.co.uk

Container Elevations 1:100



Floor Plan 1:50



Proposed free-standing acoustic fence 1:100

REVISIONS

JOB NO.	PAPER SIZE	DATE
5718/04/02H	A3	SEPT 2023

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CLIENT

Mr D Johnson - THE SPORTSMAN PH

PROJECT

PROPOSED LAND CHANGE OF USE & CONTAINER

SITE

THE SPORTSMAN PH

MAIN ROAD

ELM

WISBECH

DRAWING

PLANNING DRAWING 2



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